

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NILES RODNEY PAYNE,

Petitioner,

v.

COLUMBIA CORR. INST. and
DEPARTMENT OF CORRECTIONS,

Respondents.

ORDER

09-cv-164-slc

Petitioner Niles Payne, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma pauperis*. A decision on the request will be delayed until petitioner pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated at this time because the trust fund account statement he submitted with his complaint does not cover the full six-month period immediately preceding the filing of his complaint.

Petitioner's complaint was submitted on March 11, 2009. His trust fund account statement should cover the period beginning approximately September 12, 2008 and ending approximately March 9, 2009. Instead, it covers a one-month period beginning February 1, 2009 and ending February 27, 2009. If petitioner intends to pursue his request to proceed *in forma pauperis* he will need to submit a supplemental trust fund account statement that covers the missing period beginning September 12, 2008 and ending February 1, 2009.

ORDER

IT IS ORDERED that petitioner may have until April 15, 2009, in which to submit a supplemental trust fund account statement for the period beginning September 12, 2008 and

ending February 1, 2009. If, by April 15, 2009, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 25th day of March, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge